

Application No.: 10/730,525  
Reply to Office Action mailed March 13, 2006  
Response dated: May 30, 2006

### **REMARKS**

Reconsideration of the claims in light of the Remarks, which follow, and the Declaration submitted herewith, are respectfully requested.

Claims before the Examiner are 1-3, 7-9, 12, 17-22, 24-31, and 34.

The numbering in this Response will follow that of the Office Action.

1. No response necessary.

#### **Rejection Under 35 USC § 112**

2. *Claims 7, 12 and 34 stand rejected under 35 USC § 112, second paragraph.*

Claims 7, 12 and 34 have been amended. Withdrawal of the Rejection is respectfully requested.

#### **Rejection Under 35 USC § 103**

4. *Claims 1-3, 7-9, 12, 17-22 24-31 and 34 stand rejected under 35 USC § 103(a) as obvious over McCullough (US 2002/0032287).*

The Applicant contends the claims are not rendered obvious over *McCullough*. As evidence of the unexpected benefits of the claimed invention, the Applicant presents a Declaration under 37 CFR § 1.132 of a co-inventor, Agapios K. Agapiou.

While *McCullough* suggests an average particle size for silica of 5-500 $\mu$ m (page 7, paragraph [0078], *McCullough* suggests no part of this range as offering improved (over 20%) catalyst efficiency as a result of choice of lower (10-40 $\mu$ m as claimed) average particle size (APS) carrier/support over another, higher APS. Applicants have now demonstrated this effect in two separate Rule 132 Affidavits, one with di-chloride metallocenes and now, concurrently with this paper, with di-fluoride metallocenes. *McCullough's* suggestion of a wide range of silica APS, fails to recognize the result effective variable of lowering the APS to result in increase catalyst efficiency, as discovered and claimed by the Applicants.

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Where the prior art has not recognized the "result-effective" capability of a particular invention parameter, no expectation would exist that optimizing the parameter would successfully yield the desired improvement. *In re Antonie*, ( 620, 195 U.S.P.Q. at 8-9).

In light of the amendments, argument and Declaration, the Applicant requests that this Rejection be withdrawn.

5. & 6. No response necessary.

All of the Examiner's Rejections have been addressed.

The claims are in condition for allowance.

- 7 of 9 -

Application No.: 10/730,525  
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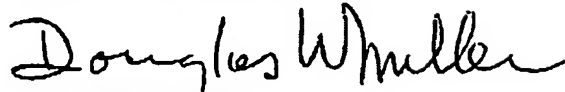
MAY 30 2006

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Respectfully submitted,



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CERTIFICATE OF TRANSMISSION/MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 30, 2006  
Date

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